

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

---

NORTH BREVARD COUNTY HOSPITAL  
DISTRICT d/b/a PARRISH MEDICAL  
CENTER,

Plaintiff,

v.

C.R. BARD INC. and BARD ACCESS  
SYSTEMS, INC.,

Defendants.

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR DISMISSAL WITH  
PREJUDICE**

No. 2:22-cv-00144

Chief District Judge Robert J. Shelby

Magistrate Judge Jared C. Bennett

Before the court is Plaintiff's Motion for Dismissal with Prejudice under Federal Rule of Civil Procedure 41(a)(2).<sup>1</sup> Plaintiff requests the court dismiss its claim with prejudice "to allow for entry of final judgment and any appeal."<sup>2</sup> Defendants do not oppose the Motion, and reserve their right to seek attorneys' fees and costs under Federal Rule of Civil Procedure 54(d) and Rule 54-2 of the court's local rules.<sup>3</sup> The court makes no comment on the availability of appeal but notes the matter is governed by controlling Supreme Court and Tenth Circuit law. For good cause shown, the court GRANTS the Motion and ORDERS all claims asserted by Plaintiff are DISMISSED WITH PREJUDICE. The Clerk of Court is directed to close the case.

DATED this 4th day of April 2024.

BY THE COURT:



---

ROBERT J. SHELBY  
United States Chief District Judge

---

<sup>1</sup> Dkt. 199.

<sup>2</sup> *Id.* at 1.

<sup>3</sup> Dkt. 200 at 1.